

1. Introduction

1.1 Introduction

The US Department of the Interior, Bureau of Reclamation (Reclamation) has prepared this draft resource management plan (RMP) and environmental impact statement (EIS) for the New Melones Lake Area (Figure 1-1). The Draft RMP provides a range of alternatives for managing Reclamation-administered lands within the New Melones Lake Area in Tuolumne and Calaveras Counties, California, and the EIS is an analysis of the environmental effects that could result from implementing the alternatives defined in the draft RMP.

Decisions directing the management of Reclamation-administered lands in the planning area are based on the New Melones Lake Area Master Plan (Master Plan) approved in 1976 (USACE and Reclamation 1976), subsequent amendments to that plan, and by applicable federal, state, and local regulations. The Master Plan is a land use plan that provides a set of land use allocations, development recommendations and objectives, and constraints to guide the management of each resource.

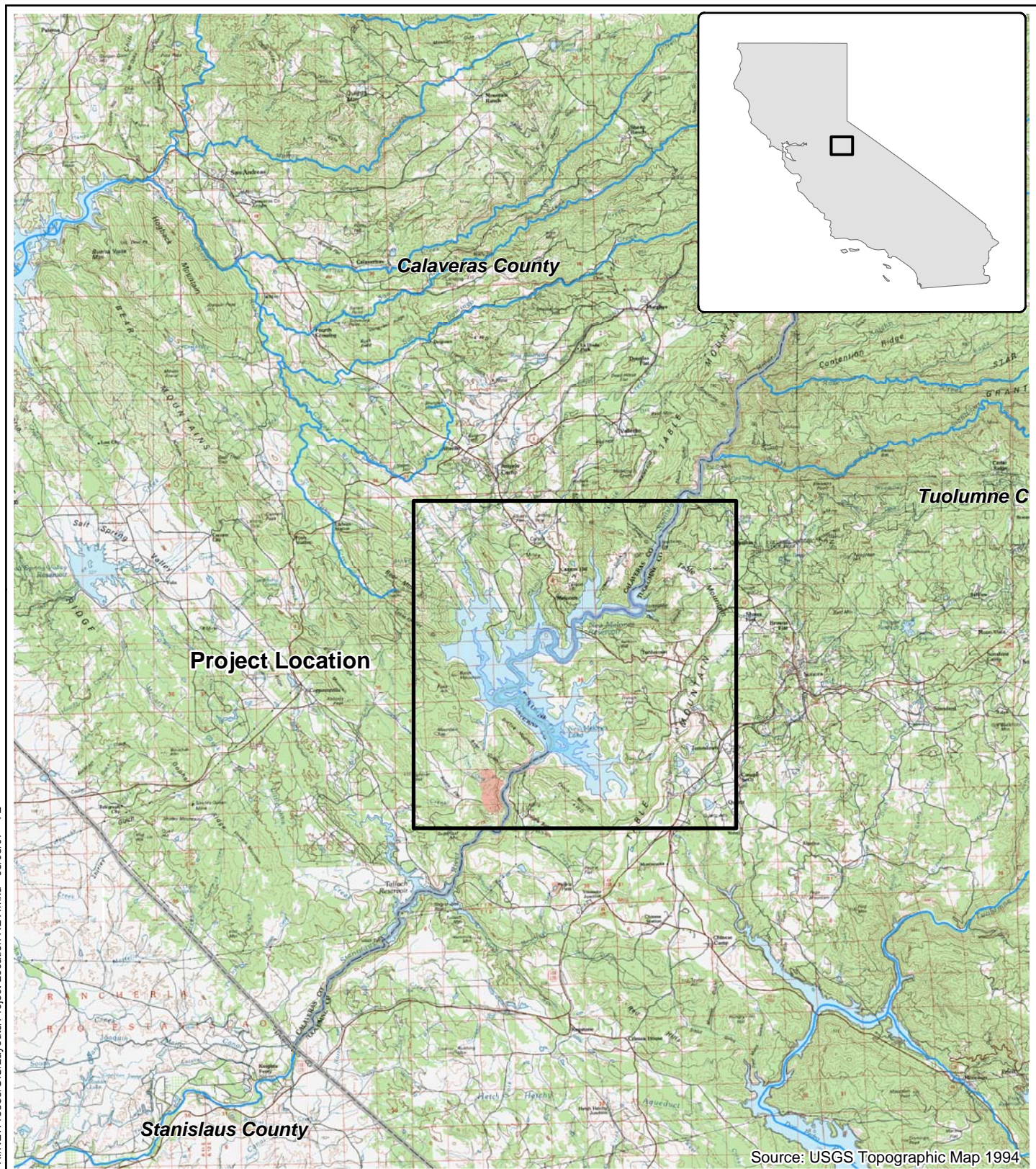
A new RMP/EIS, which will replace the Master Plan, will facilitate public understanding of the range of resources that Reclamation manages. It also will help the public understand the constraints and legal requirements that provide the framework within which Reclamation must manage these lands and will provide consistent and integrated decisions for managing Reclamation-administered lands in the planning area.

The guidance provided in this RMP/EIS will help New Melones managers fulfill Reclamation's mission, which is "to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public."

This draft RMP/EIS addresses the interrelationships among the various resources at the New Melones Lake Area and provides management options to balance resource management with Reclamation's mission and authority with the needs of the public to use these lands.

An EIS is incorporated into this document to meet the requirements of the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508) (CEQ 1978), and requirements of Reclamation's Draft NEPA Handbook (Reclamation 2005a).

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Project Location

New Melones Lake Area, California
Central California Area Office

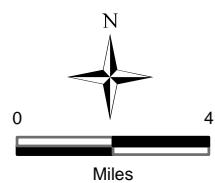


Figure 1-1

1.2 Background Information

1.2.1 Location of the New Melones Lake Area

The New Melones Lake Area is in the foothills of the Sierra Nevada, at approximately 1,100 feet (340 m) above sea level and is bisected by the Tuolumne and Calaveras county line (Figure 1-2).

1.2.2 Access to the New Melones Lake Area

Primary access to the New Melones Lake Area is from Highway 49, which crosses the lake on the Stevenot Stanislaus River Bridge. Connector roads to specific locations at the lake are accessible from Highway 49 and from county roads that intersect the area. The communities of Angel's Camp, Sonora, Columbia, and Copperopolis are connected to the lake either by Highway 49 or by local roads.

1.2.3 New Melones Lake Description, Capacity, and Operation

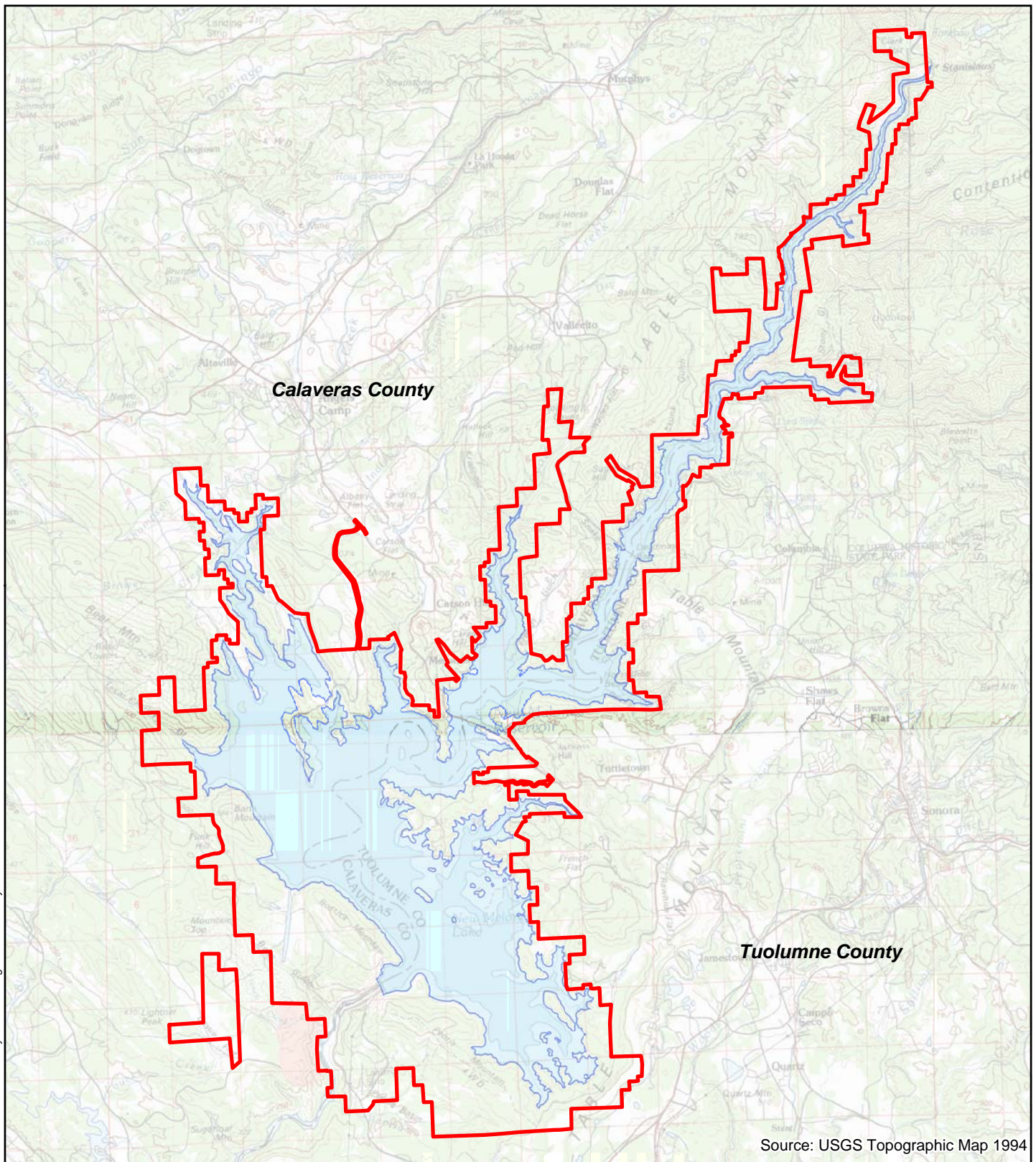
New Melones Lake is the fifth largest reservoir in California and the most recent major project incorporated into the Central Valley Project. Completed in 1979, New Melones dam holds water from the Stanislaus River and other tributaries within a 980-square-mile (250,000 hectare) watershed. When full, the storage capacity is 2.4 million acre-feet (2.9 million megaliters), with 100 miles (160 kilometers) of surrounding shoreline. The surface area of New Melones Lake is 12,500 acres (5,000 hectares), and surrounding public lands are approximately 17,500 acres (7,000 hectares), for a total of 30,000 acres (12,000 hectares).

The project provides flood control for the lower Stanislaus River and San Joaquin River Delta, irrigation and municipal water supplies, peak use period hydroelectric production, recreation, water quality, and fish and wildlife enhancement.

1.3 Purpose of and Need for the RMP/EIS

The purpose of this RMP/EIS is to establish a conceptual plan detailing the management framework for the conservation, protection, enhancement, development, and use of the physical and biological resources in the New Melones Lake Area. Changes in resource management and recreation interest, changes in the types of use, and changes in the level of use have occurred over the last several decades. The Reclamation Recreation Management Act (RRMA) of 1992 (Public Law [PL] 102-575, Title 28 [2805(c)(1)(A)]) directs Reclamation to “provide for the development, use, conservation, enhancement, and management of resources on Reclamation lands.” These changes, combined with requirements under the RRMA, have created a need for Reclamation to evaluate the contemporary resource and recreation management for the New Melones Lake Area.

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Planning Area Boundary

New Melones Lake Area, California
Central California Area Office

Figure 1-2

The purposes of the New Melones RMP/EIS are as follows:

- Provide a framework to ensure that Reclamation plans and activities comply with all appropriate federal, state, and local laws, rules, regulations, and policies;
- Provide for the protection and management of natural and cultural resources and for public health and safety;
- Provide for recreation management and development and other uses, consistent with contemporary and professional resource management and protection theories, concepts, and practices;
- Ensure that management of quality recreational facilities and opportunities is compatible with other environmental resources and that management planning is based on expressed public need and the ability of the land and water resources to accommodate improved facilities and increased visitor use;
- Be consistent with Reclamation fiscal goals and objectives; and
- Support Reclamation's core mission of delivering water and generating power.

1.4 Project Authority

Reclamation's authority to prepare RMPs is derived from the broad authority of the Reclamation Act of 1902 (Chapter 1093, 32 stat. 388), the Reclamation Project Act of 1939 (Chapter 418, 53 Stat. 1187), the Federal Water Project Recreation Act (PL 89-72, 79 Stat. 213), and, more specifically, from the RRMA of 1992 (PL 102-575, Title 28 [2805(c)(1)(A)]). The RRMA authorized the preparation of RMPs to "provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purpose of the Reclamation Project associated with the Reclamation lands."

Below is a brief description of important legislation governing the management of the New Melones Lake Area.

1.4.1 Federal Legislation and Guidance

This section lists some of the federal regulations and guidelines that Reclamation complies with during preparation and subsequent implementation of the RMP. Other regulations that may apply to management of lands in the New Melones Lake Area are listed in Appendix A.

Reclamation Act of 1902 (Chapter 1093, 32 Stat. 388)

This act set aside money for the construction and maintenance of irrigation projects. The newly irrigated land would be sold and money would be put into a revolving fund that supported more such projects. This act also established the Bureau of Reclamation to administer the program.

Reclamation Project Act of 1939 (43 US Code [USC] 485)

This act provided a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes.

Flood Control Acts of 1944 and 1962 (PL 78-534 and PL 87-874)

These acts authorized construction of New Melones for the purposes of flood control, irrigation, power generation, general recreation, water quality, and fish and wildlife enhancement. In addition, the Flood Control Act of 1962 describes the responsibilities of the Secretary of the Army and the Secretary of the Interior at the New Melones project.

Federal Water Project Recreation Act of 1965 (PL 89-72)

This act requires that recreation and fish and wildlife enhancement be given full consideration in federal water development projects. The act authorizes the use of federal water project funds for land acquisition in order to establish refuges for migratory waterfowl and authorizes the Secretary of the Interior to provide facilities for outdoor recreation and fish and wildlife at all reservoirs under the Secretary's control, except those within National Wildlife Refuges.

Reclamation Recreation Management Act of 1992 (PL 102-575, Title 28 [2805(c)(1)(A)])

This act amends the Federal Water Project Recreation Act of 1965 (PL 89-72) and authorizes the preparation of RMPs to "provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purposes of the Reclamation project associated with the Reclamation lands." This act adds a non-federal partner cost share requirement to enhance accomplishment of Reclamation projects. A non-federal partner is any governmental organization chartered by a state, county, or local government agent. Conversely, all nonprofit organizations or businesses are excluded from a federal cost share under PL 89-72. It is required that the cost share entity have the capability to provide at least 50 percent of the cost of the project and provide up-front funding for planning activities. In addition, the cost share entity provides services and facilities that are open to the general public; cost sharing will not support private exclusive use on federal lands. The cost share entity also must show the capability to provide long-term operation and maintenance (O&M) of the facilities. Current Reclamation policy does not provide for Reclamation to cost share the O&M of a modified or replaced facility, so the cost sharing entity must be capable and willing to provide all O&M of the recreation facilities.

Federal Lands Recreation Enhancement Act of 2005 (FLREA) (PL 108-447)

This act provides for a nationally consistent interagency fee program, allowing for retention of revenues at the site collected, additional on-the-ground improvements to visitor services at recreation sites across the nation, a new national pass for use across interagency federal recreation sites and services, and more public involvement in the program. The new authority addresses public concerns about the previous fee-demo program by limiting fees to sites that have a certain level of development and meet specific criteria. The FLREA is a new program that allows New Melones management to establish a comprehensive fee collection program in addition to the existing fee program, and to retain a portion of the fees for improvements to recreational facilities and infrastructure. Details of the proposed fee collection program will be identified in the RMP/EIS.

National Environmental Policy Act of 1969 (NEPA) (42 USC §§ 4321 et seq.)

Under NEPA, federal agencies must consider the environmental consequences of proposed major actions. The spirit and intent of NEPA is to protect and enhance the environment through well-informed federal decisions, based on sound science. NEPA is premised on the assumption that providing timely information to the decision maker and the public concerning the potential environmental consequences of proposed actions would improve the quality of federal decisions. Thus, the NEPA process includes the systematic, interdisciplinary evaluation of potential environmental consequences expected to result from implementing a proposed action. This document is a joint RMP/EIS to fulfill NEPA's requirements.

Clean Water Act (33 USC §§ 1251 et seq.) and Implementing Regulations (CWA) (33 CFR 320-330, 335-338, 40 CFR 104-140, 230-233, 401-471)

The CWA of 1972, PL 92-500, is the law under which most US Army Corps of Engineers (USACE) permits are issued for discharging fill into wetlands. Most of the CWA deals with water pollution, which is the purview of the US Environmental Protection Agency (EPA). Responsibility for disposing of dredged material was delegated to the USACE because of its historic role in that arena, but the EPA still maintains ultimate responsibility for overseeing the program. USACE regulations are published at 33 CFR §§ 320-384; those of the EPA are published at 40 CFR §§ 230-233 and are often referred to as Section 404 guidelines.

Section 404 defines dredge and fill responsibilities under the CWA. Exemptions for Section 404 permits are granted for normal agricultural, ranching, and silvicultural activities, as well as for maintaining existing drains, culverts, farm ponds, and roads. The USACE manages the wetland permitting program, but the EPA has veto power over USACE permit decisions, and the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NOAA Fisheries Service) have consultation rights. The USACE and the EPA share enforcement authority, although states may adopt administration of parts of the program from the USACE, with EPA oversight. The point of contact for Section 404 permit issues is the USACE.

Clean Air Act (42 USC §§ 7401 et seq.)

The principal federal law protecting air quality is the Clean Air Act (CAA), which is enforced by the EPA. The CAA regulates air emissions from area, stationary, and mobile sources. Under this law, National Ambient Air Quality Standards (NAAQS) are established for each state by the EPA in order to protect public health and the environment (EPA 2008). The CAA requires areas with unhealthy levels of ozone, carbon monoxide, nitrogen oxide, sulfur oxide, and inhalable particulate matter to develop State Implementation Plans, describing how they will attain NAAQS in accordance with 40 CFR 52.220. State Implementation Plans are not single documents, but a compilation of new and previously submitted plans, programs, district rules, state regulations, and federal controls (CARB 2003).

Executive Order (EO) 11990: Protection of Wetlands (42 Federal Register [FR] 26961, 5/25/77)

This order requires agencies to minimize destruction of wetlands when managing lands, administering federal programs, or undertaking construction. Agencies are also required to consider the effects of federal actions on the health and quality of wetlands.

EO 11593: Protection and Enhancement of the Cultural Environment (36 FR 8921, 1/15/71)

This order requires Federal agencies to inventory historic properties on Federal lands and to document historic properties altered or demolished through Federal action.

EO 13112: Invasive Species (64 FR 6183, 2/3/99)

This order directs federal agencies to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. To do this, the order established the National Invasive Species Council.

EO 13443: Facilitation of Hunting Heritage and Wildlife Conservation (72 FR 46537, 8/20/07)

The purpose of this order is to direct federal agencies with programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.

Federal Bald Eagle Protection Act (16 USC §§ 668-668d)

This act prohibits persons within the United States (or places subject to US jurisdiction) from “possessing, selling, purchasing, offering to sell, transporting, exporting or importing any bald eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof.”

Federal Endangered Species Act (ESA) (16 USC §§ 1531–1544) and Implementing Regulations (50 CFR 17, 401-424, 450-453)

Under the ESA of 1973, all federal agencies, in consultation with the Secretary of the Interior, must take all necessary precautions to ensure that their actions do not jeopardize federally listed endangered or threatened species or destroy or degrade their habitats. The ESA provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. It is designed to protect critically imperiled species from extinction due to “the consequences of economic growth and development untempered by adequate concern and conservation.”

Federal Migratory Bird Treaty Act (MBTA) of 1918 and Amendments (16 USC §§ 703–712)

The MBTA prohibits the take, harm, or trade of any migratory bird species and requires that all agencies must have a policy in place to prevent harm to such species as a result of that agency’s actions. For federal agencies, this policy is covered by completion of a memorandum of understanding (MOU) with the USFWS, which is the agency charged with administering and enforcing the MBTA. An amendment to the act was passed in 1972 to include owls, hawks, and other birds of prey.

Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 and 1995 (ADA) (29 USC § 794)

These laws require that access to federal facilities be provided for disabled people.

Law Enforcement Authority: PL 107-69 (2001)

PL 107-69 allows Reclamation to enforce laws on its lands and facilities using law enforcement services with other Department of the Interior agencies or contracting with other federal, state, or local law enforcement organizations.

National Historic Preservation Act of 1966 (NHPA) (16 USC §§ 470-470x-6)

The NHPA requires federal agencies to consider historic preservation values when planning their activities. Each federal agency must establish a preservation program for identifying, evaluating, and protecting properties under its ownership or control that are eligible for listing on the National Register of Historic Places (NRHP). In the Section 106 process, a federal agency must identify historic properties that may be affected by its actions, must evaluate the proposed action’s effects, and then must explore ways to avoid or mitigate those effects.

1.4.2 State and Local Regulation and Guidance

California Endangered Species Act (CESA) (Fish and Game Code §§ 2050, et seq.)

CESA operates in a similar fashion to the federal ESA but is administered by the California Department of Fish and Game (CDFG). Certain species that are federally listed may not be listed on the CESA or may have different listing status.

State Fish and Game Code

Birds of prey are protected in California under the State Fish and Game Code (Section 3503.5, 1992), which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort is considered “taking” by the CDFG.

California Fish and Game Code 878

The CDFG enforces fishing regulations on all water surfaces.

1.4.3 Operation and Maintenance of New Melones Lake

During construction of the New Melones dam in 1979, a MOU for transfer of the dam and reservoir to Reclamation from the USACE was executed. Though the USACE retained construction responsibility, the MOU granted Reclamation management responsibility for the New Melones project, including operations of the reservoir as part of the Central Valley Project, management of recreation, and enhancement and protection of fish and wildlife resources.

Reclamation has a staff of 15 permanent and seasonal rangers that are responsible for traffic and crowd control, concession oversight, campground and day use operations, special use permits issuance, natural resources maintenance and planning, volunteer management, education and outreach, interpretation, fee collection, and patrol. Reclamation rangers perform safety inspections and patrols of project lands, waters, and facilities and encourage lake visitors to comply with state and federal safety laws and regulations and Reclamation policies. Reclamation also has maintenance staff to operate, maintain, and repair the recreation and resource management facilities, as well as provide support to the power plant and dam operations.

Reclamation is able to contract with other federal land management agencies, such as the BLM or the National Park Service, for policing personnel. Management of resources on Reclamation land emphasizes interagency coordination with federal, state, and local agencies, including the US Forest Service, Tuolumne County, Calaveras County, USFWS, California Department of Forestry and Fire Protection (CAL FIRE), and CDFG.

Federal, state, and local laws are enforced by the Sheriff’s Offices of Tuolumne and Calaveras Counties in their respective areas of jurisdiction. Tuolumne and Calaveras County Sheriff boat patrols share responsibility for enforcing boating laws at New Melones Lake. The California Highway Patrol is responsible for enforcing the vehicle code.

1.5 Organization of the RMP/EIS

The RMP/EIS provides a conceptual framework for conserving, protecting, enhancing, and managing resources within the New Melones Lake Area. The EIS portion of the RMP/EIS fulfills NEPA requirements by assessing broad impacts that could result from implementing the various alternatives.

Chapter 1 Introduction and Overview

Chapter 1 provides an introduction to and overview of the study area and sets forth the purpose of and need for an RMP/EIS, authorities, regulations affecting management of the lake area, and overall objectives. Chapters 1 and 3 of this document and the associated Resource Inventory Report (RIR) provide background information on the New Melones Lake Area, the purpose and need for the RMP and EIS, project authority, history of New Melones Lake, existing management programs, partnerships, and issues to be addressed in the RMP.

Chapter 2 Draft Management Alternatives

Chapter 2 describes the proposed alternatives that were formulated in response to the issues identified by the public and Reclamation. Included are goals, actions, and specific implementation strategy recommendations.

Chapter 3 Affected Environment

Chapter 3 contains detailed descriptions of the environmental conditions and resources in the New Melones Lake Area and is broken down by resource areas.

Chapter 4 Environmental Consequences

Chapter 4 describes the expected environmental consequences of implementing each of the proposed alternatives on specific resources and resource uses.

Chapter 5 Consultation and Coordination

Chapter 5 describes the process by which Reclamation involved the public, resource agencies, and stakeholders in the RMP/EIS preparation and selection process. It also lists all comments that were received during report preparation, comment responses, and report preparers.

1.6 History of New Melones Lake

Construction of New Melones was authorized by the Flood Control Act of December 22, 1944. The original authorization was subsequently modified by the Flood Control Act of 1962 (PL 87-874). The authorized purposes of the project included flood control,

irrigation, power generation, general recreation, water quality, and fish and wildlife enhancement.

In 1972 the USACE wrote an EIS, and in 1976, it developed the Master Plan for the reservoir. This plan proposed thirteen separate recreation areas, from a walk-in campground at Clarks Flat in the Camp Nine vicinity to large recreation areas at Tuttletown and Gloryhole. Some of the facilities were to be constructed immediately, with the remainder at some future date. Planned facilities in the 1976 Master Plan included the following:

Tuttletown Recreation Area

1. Construct all of Campground E consisting of 60 campground units.
2. Construct all of Campground D consisting of 30 campground units, Campground A-30 units, and the Fishing Access Area with a 20-vehicle parking area. The project includes an amphitheater and all support facilities.
3. Construct all of Campgrounds B and C consisting of 30 units each, including all support facilities.

Mark Twain Recreation Area

1. Construct all of Mark Twain Area consisting of 90 picnic units, including all support facilities.

Glory Hole Recreation Area

1. Construct a sewage line from the Angels Creek eight-unit restroom to the main sewage truck line. Construct all of Campground E consisting of 17 units and the Fishing Access Area No. 1 with a 20-vehicle parking area, including all support facilities.
2. Construct all of the Day Use Area consisting of 110 units, an amphitheater, and Fishing Access Area No. 2 with a 30-vehicle parking area.
3. Construct all of the Angels Creek Campgrounds consisting of 80 units, the boat ramp restroom, and all support facilities.
4. Construct the facilities in the boat launching area, including a parking area for 80 car/trailers, waterlines, sewage line, fish cleaning station, and all support facilities.

The building and filling of New Melones Reservoir became controversial and ultimately litigious. During the period between when the Master Plan was completed in 1978 until the reservoir was first filled in the winter of 1982-83, the construction of the recreation facilities was postponed due to the ongoing litigation. At that time, the USACE applied a cost-sharing requirement for recreation and fish and wildlife, as outlined in PL 89-72.

Efforts to find a cost share for recreational facilities ultimately were unsuccessful, and only “minimal facilities,” as defined by USACE, were built. In two recreation areas, Glory Hole and Tuttletown, the USACE constructed facilities beyond the “minimum basic facilities” described in PL 89-72, but these were not as extensive as originally described in the Master Plan (these facilities were termed “minimal facilities” by USACE). The remaining planned recreation areas were never developed. These areas are currently used as undeveloped areas for such purposes as wildlife management, resource protection, and dispersed recreation, and have either minimum basic facilities or no facilities, and limited access.

In 1979 an MOU transferred management responsibility for New Melones Lake from the USACE to Reclamation. From 1979 to the present, Reclamation has managed the recreation facility at New Melones Lake. Replacement and upkeep of the recreation facilities has been completed on an as-need basis to protect public health and safety and, at times, to realize savings in operations and maintenance through updating the minimal structures. Additionally Reclamation, through the efforts of county legislators and federal representatives, has been successful in obtaining moneys to fund additional piecemeal facilities, including campgrounds, a visitor center, and improvements to potable water and wastewater systems.

1.7 Existing Management Documents

Decision documents that provide management guidance for the New Melones Lake Area are described below.

1.7.1 Reclamation Manual

The Reclamation Manual (RCD TRMR-15) consists of a series of policies, directives, and standards and delegations of authority. Collectively, these assign program responsibility and authority and document Reclamation-wide methods of doing business. All requirements in the Reclamation Manual are mandatory and constitute official Reclamation policy. The Reclamation Manual also serves as a link to Reclamation’s supplements to the US Department of the Interior and government-wide regulations, such as the Federal Acquisition Regulations.

1.7.2 New Melones Lake EIS (1972) (USACE 1972)

This document is an analysis of environmental impacts resulting from filling New Melones Lake and associated facilities. The EIS also documents baseline conditions at the time of dam construction.

1.7.3 New Melones Lake Area Master Plan (1976) (USACE and Reclamation 1976)

This document contains decisions concerning land use allocations and basic resource management guidelines for public lands and resources at New Melones Lake. Although no life span was indicated for this document, much of the guidance is outdated and does not reflect current federal policy. For many resource categories, this document does not provide specific management guidance. Instead, it provides a very broad framework from which Reclamation resource managers determine specific management guidance.

1.7.4 Peoria Wildlife Management Area Environmental Assessment (EA) (Reclamation 2007a)

The Peoria Wildlife Management Area lies at the southern end of New Melones Lake and is managed by Reclamation as mitigation for habitat lost when New Melones Dam and Lake were built. The EA discloses environmental impacts from implementing an interim resource management plan for this area as well as a road closure in this area.

Documents that provide management recommendations but that have not been formally adopted are described below.

1.7.5 Draft New Melones Lake Fire Management Plan (Reclamation 2006a)

This document identifies resource values and conditions pertaining to fire management at New Melones Lake. It is included for analysis in the EIS section of this RMP/EIS and will be finalized through the RMP process.

1.7.6 New Melones Lake Draft RMP (Reclamation 1995)

This document proposes sound management practices and principles at the New Melones Lake Area to provide a balanced stewardship of the natural, cultural, and recreational resources and the economic vitality of the surrounding communities. This document was never completed due to funding constraints.

1.7.7 Draft Vegetation Management Plan (Reclamation 1997)

This document expands on the vegetation element within the draft RMP (Reclamation 1995) in order to document the plant communities within the plan area. It also recommends specific management of vegetative communities to help Reclamation achieve its vegetation goals at the New Melones Lake Area.

1.7.8 Revised Draft Cave Management Plan (Reclamation 1996)

This document identifies ways to manage and protect caves within the New Melones Lake Area and updates information presented in the Draft Cave Management Plan of 1978 (BLM 1978).

1.7.9 Memorandum of Understanding between SHPO, Advisory Council on Historic Preservation, and Reclamation for management of cultural resources at New Melones Lake

This agreement establishes mitigation for the effects from O&M of the New Melones Dam and Reservoir on historic resources. Among other requirements, it puts forth stipulations for data recovery and prehistoric and historic sites, archaeological monitoring, and development and implementation of a Historic Preservation Plan at the New Melones Lake Area.

1.8 RMP/EIS Development

This RMP/EIS is the result of a collaborative effort involving Reclamation, interested members of the public, stakeholders in the outcome of the plan, and relevant resource agencies. Input provided by these sources has been combined with guidance provided in Reclamation's *Resource Management Plan Guidebook* (Reclamation 2003) in order to determine, and continue, the most appropriate uses of Reclamation lands within the study area, to explore methods to enhance and protect the resources found on those lands, to identify or propose long-term resource protection programs, and to identify financially feasible opportunities or partnerships to help decision makers manage lands and resources within the study area.

1.9 Management Constraints

Constraints on the management of the New Melones Lake Area come in the form of legislative control/authorization, economic resources, geography, and environmental limitations. Economic and legal constraints for appropriate facility enhancements may be mitigated by establishing agreements, concessions, or cost-share partnerships, if desired. Geographical constraints are identified by the topography of the land and the location of sensitive resources, which increase the need to manage the area for a maximum carrying capacity when needed to protect the resources, should visitor use increase. Environmental limitations would guide Reclamation in providing only upgraded facilities in areas used by the public in order to protect the resources.

1.9.1 Legislative Authority

Planning upgrades to facilities in the New Melones Lake Area triggers compliance with the Rehabilitation Act of 1973 and the ADA of 1990 and 1995, which state that disabled individuals will be provided with access to federal government lands and facilities. Other federal legislation that may be triggered as a result of actions proposed within this RMP includes the CWA, the ESA, and NEPA.

1.9.2 Economic Constraints

Reclamation works to ensure that any public management actions do not conflict with authorized project purposes. Much of Reclamation's budget is dedicated to fulfilling its mission of water storage and delivery; therefore, economic constraints are common in restraining development of public use resources and habitat protection and enhancement on most, if not all, Reclamation lands. The Reclamation Recreation Management Act of 1992, Title 28, which was passed in 1992 as an amendment to PL 89-72, requires a non-federal partner to fund at least 50 percent of the development of recreational facilities or at least 25 percent of fish and wildlife enhancements on Reclamation lands. A non-federal partner must:

- Be a non-federal public entity;
- Be willing and capable of entering into a long-term agreement to develop, operate, and maintain the recreation facilities and uses at the project area;
- Be capable of providing at least 50 percent of the cost of the project;
- Be able to provide up-front funding of 50 percent of the planning cost; and
- Be able to provide services and facilities open to general public use.

This would allow Reclamation to partner with a state agency, such as California Boating and Waterways, to develop boat ramps or the CDFG to enhance wetlands, for example, while allowing the federal government to shoulder much of the financial burden that previously would have fallen on the state agency.

Reclamation also has the option of considering whether entering into a contractual agreement with one or more private commercial entities would assist it in managing the resource. . . Such a partnership or concession would usually result in providing desired services that Reclamation could not provide within their authority. A percentage of any funds generated could be returned to Reclamation.

1.9.3 Geographic Constraints

Developing resources in the New Melones Lake Area may be limited by such factors as soils, slope, wetlands, presence of sensitive plant or animal species or populations, or inundation zones. Development should not occur on or near wetlands or sensitive species habitat, in places prone to erosion, where soils cannot accommodate septic systems, or where such development would encourage unauthorized use of sensitive areas.

1.9.4 Environmental Restrictions

Because of regional and geographical variations, each Reclamation study area offers a unique set of opportunities and constraints for resource enhancement and protection and may limit facility expansions or development. In certain areas, a particular resource found on Reclamation land may invite the participation of a particular agency or group as

a managing partner or a partner in research or stewardship. In other areas, proximity to a certain user group or institution may provide the impetus for the involvement of that group.

1.10 Public Involvement

Public involvement is a critical element in developing the RMP. Reclamation's goal is to gain input from a cross section of the user public. Reclamation held several public scoping meetings and alternatives development workshops throughout 2007 to solicit issues and concerns and to develop alternatives to be analyzed in the RMP. In addition, Reclamation developed a mailing list (and accompanying database), produced and distributed newsletters, and developed a New Melones Lake Area Web site to help disseminate both New Melones Lake Area- and RMP-related information.

In order to both educate the public about the RMP process for the New Melones Lake Area and to solicit its input, Reclamation held public meetings in three locations within the project planning area during the last week of January 2007. Most comments focused on access, biological resources, facilities, and recreation. In late September 2007, Reclamation held two alternatives development workshops to obtain further input on possible management actions and opportunities for the New Melones Lake Area. Reclamation used the information collected from these gatherings, along with additional comments submitted during the planning process, to develop the draft planning proposals. Public input and participation helps ensure that the plan will meet the needs of the stakeholders, while providing for development and management of the New Melones Lake Area. Public involvement is discussed in greater detail in Section 5 of the EIS.

1.10.1 Planning Issues

Issue identification is the first step of the planning process. A planning issue is a significant concern, need, resource use, or development and protection opportunity relating to resource management or uses on public lands that can be addressed in a variety of ways. The criteria used to identify issues include determining whether the effects would result in the following:

- Approach or exceed standards or a threshold;
- Substantially change a resource;
- Be controversial;
- Offer a wide range of opportunities; or
- Cause disagreement regarding their environmental impact.

These issues drove the formulation of the RMP alternatives, and addressing them has resulted in a range of management options presented in four alternatives (Chapter 2). Each fully developed alternative (Chapter 2) represents a different land use plan that

addresses or resolves the identified planning issues in different ways. While other concerns are addressed in the RMP, management related to them may or may not change by alternative.

The following issue statements were developed to summarize the concerns raised by the public during the scoping process and by Reclamation during project planning. The issue statements are designed to state concisely those issues that appear to be of most concern to the public and to Reclamation staff and to encompass the range of scoping comments. The issue statements below reflect planning topics that Reclamation will address when creating the goals and management actions identified in Chapter 2. (The issues statements are listed in the order in which they were developed, and their position within the list does not reflect priority.)

- 1. How will Reclamation improve access to the management area while protecting resources and addressing logistical and financial challenges?*
- 2. How will Reclamation protect sensitive resources while accommodating increasing numbers of visitors with an expanding range of interests?*
- 3. How will Reclamation enhance fish and wildlife habitats and other natural resources?*
- 4. What types of recreational activities will Reclamation manage for in the New Melones Lake area?*
- 5. How can Reclamation provide recreation opportunities and services without diminishing the quality of the resources?*
- 6. How can Reclamation optimize a fee program in order to enhance visitor services and protect the resources?*
- 7. How can Reclamation provide adequate law enforcement to increase visitor safety and reduce illegal activities?*
- 8. What Reclamation management strategies will be used to identify and implement necessary changes in facilities or infrastructure?*
- 9. What Reclamation management strategies will be used to protect public health and safety?*
- 10. How can Reclamation foster positive relationships with neighboring landowners and communities while meeting Reclamation's management commitments?*